4310

BILL NO. S-78-11-39

SPECIAL ORDINANCE NO. S-233-78

AN ORDINANCE approving a contract for Water Contract #7812, between the City of Fort Wayne, Indiana and North Eastern Enterprises, Inc. for construction of water mains.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated November 6, 1978, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works and North Eastern Enterprises, Inc., for:

construction of water mains on Tanbark, Squires Place, Margot Way, Underwood Cove, Woodthrush Drive, Melrose Place and Ridgeside Lane in Tanbark, Section 1,

under Board of Public Works Water Contract #7812, at a total cost of $7,978.75, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Councilman

APPROVED AS TO FORM AND LEGALITY,

CITY ATTORNEY

Read the first time in full and on motion by Burns, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19__, at _____ o'clock ____ M.,E.S.T.

DATE: 11-14-78

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	5			4	
BURNS	X				
HINGA				X	
HUNTER	X				
MOSES	X				
NUCKOLS				X	
SCHMIDT, D.				X	
SCHMIDT, V.				X	
STIER	X				
TALARICO	X				

DATE: 11-28-78

Charles W. Westerman /mc
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (~~GENERAL~~) (~~ANNEXATION~~) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. S-233-78 on the 28th day of November, 19 78.

ATTEST: (SEAL)

Charles W. Westerman /mc
CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of November, 19 78, at the hour of 11:20 o'clock A M.,E.S.T.

Charles W. Westerman /mc
CITY CLERK

Approved and signed by me this 4th day of December, 19 78 at the hour of 9:30 o'clock A M.,E.S.T.

Robert E. Armstrong
MAYOR

Bill No. S-78-11-39

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving a contract for Water Contract #7812, between the City of Fort Wayne, Indiana and North Eastern Enterprises, Inc. for construction of water main

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

PAUL M. BURNS - CHAIRMAN

JAMES S. STIER - VICE CHAIRMAN

VIVIAN G. SCHMIDT

WINFIELD C. MOSES, JR.

FREDRICK R. HUNTER

11-28-78 CONCURRED IN
DATE CHARLES W. [illegible], CITY CL

Memorandum

To Board of Works Date 10-19-78

From D. L. Foland

Subject Execution of Contract #7812, Tanbark, Sec. I B.O.#115-78

COPIES TO:

NOTED

☐ H.P.W.

2ND ☐ P.H.L.

☐ M.G.S.

Date

Attached is the original of the above water main contract, submitted for approval as to form and legality and signatures by the members and clerk of the Board of Works. After it has been fully executed, please return it so that we may make copies and distribute them to the interested parties.

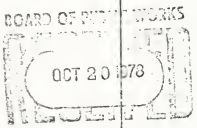
Please note that Prior Approval from Council is needed, so that the developer can finish this project before bad weather sets in.

D. L. Foland

D. L. Foland, P.E.
Chief Water Engineer

DLF/klr

attachment



CONTRACT NO. 7812

BOARD ORDER NO. 115-78 WORK ORDER NO. 63417

THIS AGREEMENT, made and entered into this 6th day of Nov., 1978, by and between NORTH EASTERN ENTERPRISES, INC., hereinafter called CONTRIBUTOR, and the FORT WAYNE WATER UTILITY of the City of Fort Wayne, Indiana, by and through its Mayor, ROBERT E. ARMSTRONG, and the BOARD OF PUBLIC WORKS of said City, hereinafter called UTILITY, WITNESSETH:

That the said Contractor and the said Utility for the consideration hereinafter named, agrees as follows:

1. That the Utility and the Contributor shall proceed dependent upon procurement of materials and labor and with reference to other similar work of said parties to construct water mains, including all necessary fittings as follows:

   on Tanbark Lane from Rothman Rd. to its northern terminus;
   on Squires Place from Tanbark Lane to its western terminus;
   on Margot Way from Tanbark Lane to its western terminus;
   on Underwood Cove from Tanbark Lane to its western terminus;
   on Woodthrush Drive from eastern boundary to western boundary;
   on Melrose Place from Woodthrush Drive to northern boundary;
   on Ridgeside Lane from Woodthrush Drive to its northern boundary,
   all in TANBARK, SEC. I.

   Said water main to include: 4380± LF of 6" Ductile Iron Water Main
   615± LF of 16" Ductile Iron Water Main.

2. That said water main system shall be constructed according to the standards, plans, and specifications of the Utility and that said Utility shall furnish water thru said main when completed, in accordance with the rules and regulations of said Utility, and the laws, ordinances and regulations applicable thereto, now in force, or that may hereafter be adopted.

   It is, however, understood and agreed that the Utility will not furnish water thru any part or parts of the water main covered hereunder unless and until the entire main shall have been tested, disinfected, and placed in service and accepted by said Utility.

3. It is understood and agreed by and between the parties of this Contract that the Contributor shall furnish all materials, contractual labor, and equipment for the construction of said water main system through NORTH EASTERN CONSTRUCTION COMPANY at a cost of Sixty-six Thousand Two Hundred Fifty Dollars ($66,250.00), and that said Utility shall supply the necessary labor for inspection, pressure-testing, disinfection, engineering at a cost of Two Thousand Four Hundred Twenty-five Dollars ($2,425.00). Therefore, the total cost of said water main is Sixty-eight Thousand Six Hundred Seventy-five Dollars ($68,675.00). It is further understood and agreed by and between the parties of this Contract that the said Contributor shall bear the cost of the water main on the basis of a 6" water main, the cost of which is Sixty Thousand Six Hundred Ninety-six Dollars and Twenty-five Cents ($60,696.25) and which amount is the contract price of this AGREEMENT. Therefore, it is agreed that upon completion and acceptance of said water main system by said Utility, the Utility will pay to said Contributor the difference between the cost of

material, contractual labor, equipment, as supplied by the Contractor, as referred to above and the contract price of this Agreement said difference being Seven Thousand Nine Hundred Seventy-eight Dollars and Seventy-five Cents ($7,978.75).

4. The Utility may approve the extension of additional water mains from the water main covered in this Contract without incurring any financial obligations to the Contributor under this Contract.

5. It is further understood and agreed that, upon completion of said water main system, the Contributor or his contractor shall file a COMPLETION AFFIDAVIT and a MAINTENANCE BOND with the Board of Public Works of the City. The MAINTENANCE BOND shall run for a minimum period of one (1) year from the date of the acceptance of the said system by the City and shall be in the minimum amount of Sixteen Thousand Five Hundred Sixty-two Dollars and Fifty Cents ($16,562.50). After receipt of the COMPLETION AFFIDAVIT and MAINTENANCE BOND, the Utility will make final inspection of the project. Upon finding the project to be acceptable and in full compliance with the standards and specifications of the Utility, the Board of Public Works will issue a letter of acceptance of the project to the Contributor. Upon issuance of the acceptance letter, and in accordance with the terms of that letter, the water main and fittings installed under this contract shall form and be a part of the water works system of said Utility, and all rights, title, and interest whatsoever in said water main system shall become and remain in the City of Fort Wayne, Indiana.

6. This Agreement, although executed on behalf of the Owner by its Mayor and the Board of Public Works, shall not be binding upon the Owner unless and until the same shall have been ratified and approved by Common Council. Failure to approve the same within ninety (90) days after the date hereof, then this Contract shall become null and void.

WITNESS THE HANDS AND SEALS OF SAID PARTIES the day and year are first above written.

CITY OF FORT WAYNE, INDIANA

Robert E. Armstrong, Mayor

ATTEST:

Ursula Miller

Ursula Miller, Clerk

APPROVED AS TO FORM AND LEGALITY:

Deputy City Attorney

Prepared by:
D. L. Foland, P.E.
Chief Water Engineer

BOARD OF PUBLIC WORKS

Henry P. Wehrenberg

Henry P. Wehrenberg, Chairman

Ethel H. LaMar

Ethel H. LaMar, Member

Max G Scott, Member

CONTRIBUTOR:
NORTH EASTERN ENTERPRISES, INC.

BY:

Joseph L. Zehr, Pres., sole owner and proprietor

9370

TITLE OF ORDINANCE WATER CONTRACT #7812, TANBARK, SECTION I - NORTHEASTERN ENTERPRISES, INC.

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS

S-78-11-39

SYNOPSIS OF ORDINANCE WATER CONTRACT #7812, TANBARK, SECTION I, NORTHEASTERN ENTERPRISES, INC., DEVELOPER, FOR THE CONSTRUCTION OF WATER MAINS ON TANBARK, SQUIRES PLACE, MARGOT WAY, UNDERWOOD COVE, WOODTHRUSH DRIVE, MELROSE PLACE AND RIDGESIDE LANE IN TANBARK, SEC. I.

(CONTRACT ATTACHED)

EFFECT OF PASSAGE CONSTRUCTION OF WATER MAIN TO SERVE THE ABOVE-DESCRIBED AREA

EFFECT OF NON-PASSAGE INABILITY TO PROCEED AS PLANNED

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) $7978.75 FROM CITY UTILITIES FOR OVERSIZING

ASSIGNED TO COMMITTEE

EP